

FY 2016 Annual Report

**Interstate Commission
for Adult Offender Supervision**

Ensuring Public Safety for the 21st Century



LETTER FROM CHAIR



Sara Andrews (OH)
Chair

First and foremost, thank you to all the Commissioners, Deputy Compact Administrators and staff that routinely offer their time, talent and leadership to move the Commission forward. The support you provide on a daily basis is remarkable and exemplifies our commitment to the compact and the people we serve. Each year brings new challenges and the upcoming year will be no different. At the same time, I am confident the Commission will meet those challenges head on and use those opportunities to improve our business.



Chris Norman (AL)
Vice-Chair

Last year, the Commission concentrated on justice reinvestment and evidence-based practices and their impact on Interstate Compact Rules. At the 2015 Annual Business Meeting in Portland, OR, Professor Edward J. Latessa of the University of Cincinnati engaged attendees in a dialogue involving evidence-based practices and the best use of risk assessment tools to reduce recidivism. That dialogue will continue at the 2016 Annual Business Meeting in Cleveland, OH. We also agreed to convene the Violations and Retaking Ad Hoc Committee to, in the interest of public safety, examine the sanctioning and retaking of offenders who violate conditions of supervision and commit new crimes in the receiving state.

The standing committees provide input and represent all of us in their effort to drive and support the daily activities of the Commission and each committee has representation from all four regions. The dedication and leadership of those who participate significantly decreases the challenge of our work and staff at the national office routinely express their gratitude for such unwavering support and guidance. The accomplishments of each committee are too numerous to write here and we are especially proud of the work to improve the retaking processes and rules.



Charles Lauterbach (IA)
Treasurer

As you all know, since 2002, the Commission has enjoyed an affiliation with the Council of State Governments (CSG). However, because of changes in the financial environment surrounding the organization and in the state of Kentucky, it may no longer be fiscally responsible to maintain the affiliation. While we regret the possibility of terminating our agreement with CSG, the move could save the Commission close to \$200,000 annually. The situation continues to evolve as this letter is written, so updates will follow as information becomes available. However, regardless of the outcome, the national office staff will maintain comparable insurance plans and retirement benefits and interruption in services is not expected.

The Cleveland Annual Business Meeting will mark the end of my first term in office and I have genuinely enjoyed the opportunity to serve the Commission, and all of you, as Chair. Once again, thank you for your continued support and leadership. I look forward to working with you in the future and to seeing you in Cleveland. Don't miss it, after all, CLEVELAND ROCKS and has once again become a City of Champions!!

Sincerely,
Sara Andrews, Chair
Interstate Commission for Adult Offender Supervision



2015 ANNUAL MEETING RECAP

Portland, OR served as a scenic backdrop for the 2015 Annual Business Meeting (ABM), as the commissioners gathered to consider a significant number of rule changes and to strategize on the topics of evidence-based practices and justice reinvestment. Chair Sara Andrews (OH) opened the meeting and Colette Peters, Director of Oregon Department of Corrections, gave the keynote speech.

The standing committees each provided updates and highlighted new programs and activities as well as plans for the upcoming year. Following the committee reports, Commissioner Jeremiah Stromberg (OR), moderated a panel entitled *The "Two Second" Rejection, Myth or Truth*, to discuss discretionary transfers and the national acceptance and rejection trends.

As the final item of business, Commissioner Milt Gilliam (OK) administered the Oath of Office to newly elected region chairs: Dale Crook (VT) – East Region, Chris Moore (GA) – South Region, Anmarie Aylward (WA) – West Region, and Cathy Gibson-Beltz (NE) – Midwest Region.

Next meeting: September 14, 2016 in Cleveland, OH.



AWARDS PRESENTED:

Executive Chair Award presented to Anne Precythe (NC), Commissioner

Executive Director Award presented to Natalie Latulippe (CT), Deputy Compact Administrator

Peyton Tuthill Award presented to Laura Hudson (SC), Victims' Advocate

EX OFFICIO ORGANIZATIONS

National Conference of State Legislatures

National Governors Association

Conference of Chief Justices

National Association of Attorneys General

National Institute of Corrections

American Probation and Parole Association

Association of Paroling Authorities International

Interstate Commission for Juveniles

Conference of State Court Administrators

National Organization for Victim Assistance

National Sheriff's Association

Association of Prosecuting Attorneys

National Association for Public Defense

American Jail Association

National Association of Police Organizations

International Association of Chiefs of Police

EX OFFICIO EXPANSION:

In 2015 the Commission voted to update and expand the ex-officio organizations/members to reflect current practice and to allow for additional interested stakeholders to provide input. The primary role of an ex officio is to be a source of communication with the Commission, to offer feedback on common objectives and to collaborate to accomplish mutually beneficial goals. With the amendment to the by-laws the ex officio groups now include the Interstate Commission for Juveniles, the Association of Prosecuting Attorneys, the Conference of State Court Administrators, the National Sheriff's Association, the American Jail Association, the National Association of Police Organizations, National Association for Public Defense, and the International Association of Chief of Police.

SPIRIT OF THE COMPACT RECOGNITION:

Miriam Dyson (GA)

Chris Lane (FL)

Tim Strickland (FL)

Jim Ingle (UT)

DISCRETIONARY TRANSFERS

EXECUTIVE COMMITTEE

Sara Andrews, OH
Chair

Chris Norman, AL
Vice-Chair

Charles Lauterbach, IA
*Treasurer/Finance
Committee Chair*

Milt Gilliam, OK
*Immediate Past
Chair*

Jeremiah Stromberg, OR
*Compliance Committee
Chair*

Tracy Hudrik, WI
*DCA Liaison
Committee Chair*

Anne Precythe, NC
*Training, Education
and Public Relations
Committee Chair*

Patricia Tuthill, FL
Victims' Representative

Gary Roberge, CT
*Information Technology
Committee Chair*

Jane Seigel, IN
Rules Committee Chair

Dale Crook, VT
East Region Chair

Doug Clark, SD
Midwest Region Chair

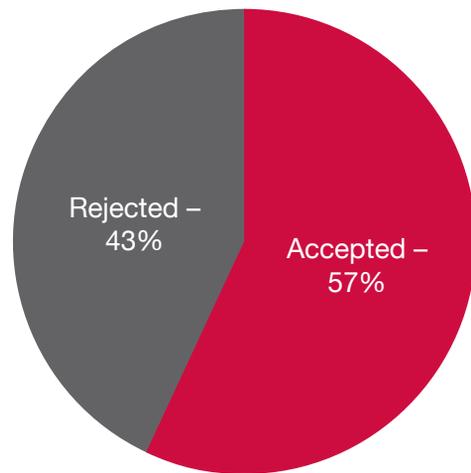
Chris Moore, GA
South Region Chair

Anmarie Aylward, WA
West Region Chair

A Look at Discretionary Transfers

In place of compliance audits in FY 2016, the Executive Committee directed the national office to assess the reasons and rate to which discretionary transfers are rejected. In FY 2015, the states processed 10,496 discretionary transfers, which make up approximately 14% of all interstate transfers. The national acceptance rate for discretionary transfers is 57% or 6,032 cases. Of those accepted cases, 745 cases or 7% were initially rejected, but were later accepted after clarifying the justification. Nationally, the states rejected 4,464 or 43% of the cases. Field offices received 8,126 (77%) of the discretionary cases for investigation, while compact office staff responded to the remaining 2,370 cases (23%). Of the total number of rejected discretionary transfers, only 8.6% were given a generic reason for denial. The majority of rejected discretionary transfers listed a valid reason for the rejection, thus dispelling the notion that states reject discretionary transfer without careful consideration.

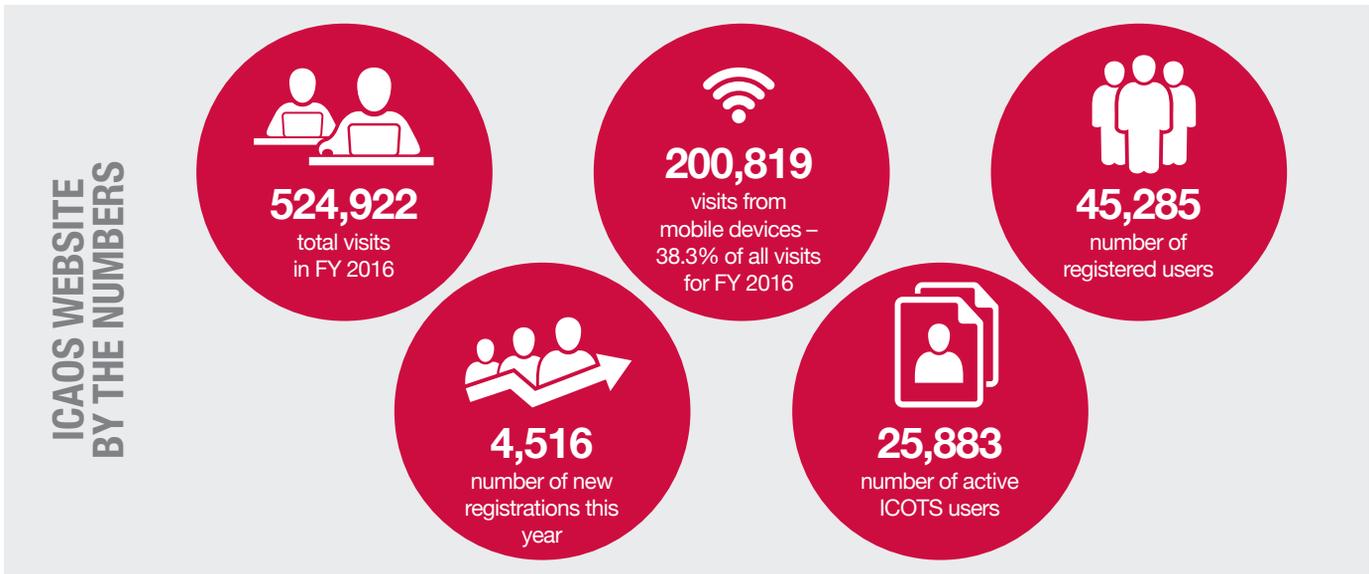
Acceptance Rates for Discretionary Transfers



Did You Know...

In an effort to assist each member state with compliance and efficiency, the ICAOS Rule Training Resources (PowerPoints, Training Bulletins, etc.) were recently added to ICAOS Support (a.k.a. the ICOTS Knowledge Base) which historically was limited to tools related solely to ICOTS. The integration provides easy access to resources for all aspects of compact business, including links to related articles, FAQs, ICOTS Tips, and direct access to training opportunities and relevant ICOTS support notices. Everything in one place makes learning a smoother process.

“Did you know ICAOS offers training opportunities for stakeholders you can share in your state? OnDemand modules are available for training ICOTS users and agency staff as well as judges, jail administrators and parole board members on the significance and functions of the compact.”



Violation Types

The end of FY 2016 marked three years since the Commission enhanced the offender violation reporting process by expanding data elements and improving workflow to assist states in managing the retaking process and requirements. The updated process drastically improved the collection of violation information and provided more detailed reporting on an offenders’ ability to successfully complete supervision.

The states and territories reported a total of 32,247 violations in FY 2016 which is slightly higher than the average for the last three years. The rate of violations reported remains consistent year to year as does the number of compact offenders under supervision. The distribution for types of violations indicates that the number of new convictions and absconders increased in the last three years.

Types of Violations Transmitted	FY 2014	FY 2015	FY 2016
New Conviction of a Violent Crime	285	323	386
New Felony Conviction	1,145	1,127	1,359
Absconder	6,677	6,806	7,470
Significant Violation	24,568	22,186	23,032
Total	32,675	30,442	32,247

While the number of *significant violations* increased in FY 2016, it did not exceed the number reported in FY 2014.

Significant Violation – means an offender’s failure to comply with the terms or conditions of supervision that, if occurring in the receiving state, would result in a request for revocation of supervision.

Interstate Compact Offender Demographics					
Gender	Race	Probation	Parole	Dual	TOTAL
Female	American Indian or Alaskan Native	277	45	5	327
	Asian or Pacific Islander	250	19	1	270
	Black	5,348	715	9	6,072
	Unknown	1,282	155	4	1,441
	White	14,360	2,264	92	16,716
Female Totals:		21,517	3,198	111	24,826
Male	American Indian or Alaskan Native	519	176	5	700
	Asian or Pacific Islander	959	231	7	1,197
	Black	18,375	9,397	139	27,913
	Unknown	4,339	1,375	32	5,746
	White	40,860	13,468	418	54,747
Male Totals:		65,052	24,647	601	90,303
Grand Totals:		86,569	27,845	712	115,129

ICAOS MISSION:
TO GUIDE THE TRANSFER OF OFFENDERS IN A MANNER THAT PROMOTES EFFECTIVE SUPERVISION STRATEGIES CONSISTENT WITH PUBLIC SAFETY, OFFENDER ACCOUNTABILITY AND VICTIM’S RIGHTS.

WHAT'S NEW – LATEST DEVELOPMENTS IN THE ICAOS

Since the last update of the *Bench Book for Judges and Court Personnel* in 2014, a number of developments occurred in the areas of rulemaking and rule interpretation through the Interstate Commission's advisory opinion process. Among the most important rule changes are:

- Amendment to Rule 2.105 clarifies that the initial DUI must be a conviction when considering the 2nd or subsequent DUI as an eligible misdemeanor under section (a)(3).
- Amendment to Rule 3.101–1 requires that a transfer request be sent within 15 business days following the receiving state granting reporting instructions and arrival of the offender in the receiving state. The amendment also requires that the receiving state initiate the return of an offender using return reporting instructions (per Rule 4.111) to track the offender back to the sending state after a transfer request is subsequently rejected.
- Amendment to Rule 3.101–2 requires additional information and communication from both the sending state and receiving state when processing discretionary transfers.
- Amendment to Rule 3.101–3 provides the receiving state with up to five business days to respond to a request for reporting instructions for all incoming sex offenders in order to investigate the proposed residence.
- Amendment to Rule 3.102 provides an exception for offenders to travel to the receiving state and return daily in order to attend outpatient treatment or medical appointments.
- Amendment to Rule 3.103 extends mandatory reporting instructions for offenders who live in the receiving state after disposition of a violation or revocation proceeding.
- Amendments to Rules 3.103 & 3.106 require the receiving state to initiate the return of an offender, who was previously approved for reporting instructions and has arrived in the receiving state, using return reporting instructions (per Rule 4.111) to track the offender back to the sending state after a transfer request is rejected.
- Amendment to Rule 4.111 creates a standard process for tracking all returns to a sending state using return reporting instructions to consistently track movement of an offender back to a sending state.
- Adoption of Rule 5.101–2 allows a sending state, at its discretion, to conduct a violation hearing for an offender who is convicted and incarcerated for a new crime outside of the sending state. The sentence imposed for the violation may be satisfied or partially satisfied, with approval of appropriate authorities and the agreement of the offender, while incarcerated in the other state.
- Amendment to Rule 5.103 requires a receiving state to request return reporting instructions (per Rule 4.111) within 7 business days of a violation response in which an offender is going to be returned to the sending state in lieu of retaking.
- Advisory Opinion 3–2015 – An offender convicted of a criminal offense and released to the community under a Home Incarceration Program, who then relocates to another compact state is eligible for transfer of supervision under the Interstate Compact for Adult Offender Supervision.

FINANCIAL OUTLOOK

The Commission continues to be in strong financial condition as FY 2017 draws closer. The balance in the Commission's cash reserve fund is \$1,210,740. In addition, the Commission maintains a separate legal cash reserve of \$50,000 to cover litigation expenses. The Commission also participates in a long-term investment program with Vanguard. The Commission's balance in this long-term portfolio is currently \$1,340,800.74. Due to the gradually declining balance in the cash reserve fund over the past few years the Commission stopped making new contributions to the long-term portfolio in FY 2015 although portfolio's balance has continued to grow over the past year.



Maintaining and enhancing the ICOTS information system is probably the most important financial challenge facing the Commission.

Maintaining and enhancing the ICOTS information system is probably the most important financial challenge facing the Commission. So far, in FY 2016 the Commission invested in excess of \$425,000 in ICOTS. In FY 2017, \$410,000 is budgeted for ICOTS. Another growing area of concern involves costs associated with accounting services, payroll, legal assistance and human resources. In June, 2016 the Executive Committee made the difficult decision to terminate the Commission's long affiliation with the Council of State Governments. As a result, the Commission will need to explore various management services options in an effort to conserve funds.

It should be noted that the Commission has not increased membership dues since 2008 and no dues increase is being recommended for FY 2017. In recent years, the Commission spent slightly more than it has collected in revenue, however the cash reserve fund has been more than adequate to cover the deficit. It is to be hoped the Commission will be able to identify additional strategies that will reduce Commission expenses and prevent any dues increase, at least in the near term.

– Charles Lauterbach, Treasurer

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INCOMING AND OUTGOING CASES INVOLVING OFFENDERS ON COMPACT SUPERVISION AS OF THE CLOSE OF FY 2016

States	Incoming			Incoming Offenders	Outgoing			Outgoing Offenders	Total Offenders
	Parole Only	Probation Only	Probation and Parole		Parole Only	Probation Only	Probation and Parole		
Alabama	1,101	3,542	38	3,871	572	1,551	12	1,931	5,802
Alaska	78	143	9	209	52	141	65	208	417
Arizona	808	1,728	3	2,208	359	2,718	-	2,827	5,035
Arkansas	931	1,970	20	2,473	2,229	1,503	22	3,195	5,668
California	1,674	4,596	62	5,785	703	2,404	3	2,947	8,732
Colorado	476	1,450	6	1,692	1,001	2,553	5	3,156	4,848
Connecticut	233	871	-	957	243	1,218	-	1,235	2,192
Delaware	304	810	23	872	18	393	24	381	1,253
District of Columbia	294	1,179	40	1,086	1	492	-	451	1,537
Florida	2,849	6,411	74	7,936	247	6,589	10	6,093	14,029
Georgia	1,396	4,221	10	4,953	2,672	9,246	17	9,435	14,388
Hawaii	41	155	-	182	128	308	1	372	554
Idaho	180	461	33	612	657	1,404	11	1,829	2,441
Illinois	1,686	3,916	11	4,834	1,191	2,406	1	3,301	8,135
Indiana	990	2,726	11	3,192	470	2,398	3	2,513	5,705
Iowa	428	1,292	14	1,487	446	1,123	9	1,428	2,915
Kansas	646	1,484	9	1,751	673	1,579	7	1,894	3,645
Kentucky	673	2,241	19	2,530	1,403	3,041	25	3,722	6,252
Louisiana	1,067	2,255	24	2,882	1,756	2,070	26	3,113	5,995
Maine	98	360	3	396	4	259	-	248	644
Maryland	766	3,611	40	3,620	778	1,885	108	1,942	5,562
Massachusetts	293	1,560	-	1,620	175	1,184	-	1,166	2,786
Michigan	894	2,222	25	2,715	811	1,339	23	1,933	4,648
Minnesota	470	1,640	39	1,888	528	2,786	2	2,791	4,679
Mississippi	906	1,847	24	2,396	942	1,932	22	2,192	4,588
Missouri	1,249	2,881	27	3,578	2,022	4,210	8	4,912	8,490
Montana	122	389	19	477	248	701	244	1,002	1,479
Nebraska	304	711	-	884	124	350	-	439	1,323
Nevada	264	827	14	998	470	1,321	4	1,651	2,649
New Hampshire	128	629	1	656	255	334	3	504	1,160
New Jersey	808	2,397	8	2,782	1,020	2,702	6	3,232	6,014
New Mexico	338	1,017	3	1,189	462	1,027	7	987	2,176
New York	1,090	4,581	9	4,924	1,859	1,940	14	3,468	8,392
North Carolina	1,340	4,432	57	4,963	388	1,371	24	1,580	6,543
North Dakota	161	816	22	856	123	821	89	860	1,716
Ohio	1,710	3,556	44	4,517	912	2,135	9	2,749	7,266
Oklahoma	1,165	2,104	42	2,894	238	1,664	6	1,752	4,646
Oregon	384	1,022	53	1,337	602	876	52	1,391	2,728
Pennsylvania	827	2,708	30	3,076	2,323	4,986	21	5,972	9,048
Puerto Rico	151	179	-	301	24	113	-	123	424
Rhode Island	72	482	-	500	90	965	1	862	1,362
South Carolina	830	2,447	20	2,832	157	1,017	10	1,070	3,902
South Dakota	152	513	2	563	294	532	3	723	1,286
Tennessee	1,575	4,620	42	5,144	583	2,750	18	2,977	8,121
Texas	3,174	5,465	14	7,326	3,423	7,649	37	9,685	17,011
Utah	212	650	8	781	203	406	4	568	1,349
Vermont	86	216	1	263	135	311	2	403	666
Virgin Islands	16	43	-	51	6	7	-	13	64
Virginia	868	2,104	47	2,601	425	8,342	60	6,951	9,552
Washington	553	1,543	96	2,001	182	560	9	696	2,697
West Virginia	313	1,500	13	1,454	995	408	25	1,084	2,538
Wisconsin	426	1,698	11	1,877	1,913	2,019	84	3,311	5,188
Wyoming	123	413	20	473	188	595	4	678	1,151
Total	37,723	102,634	1,140	121,445	37,723	102,634	1,140	119,946	241,391



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